

EXAMINER'S AMENDMENT

10/071,667

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond Augustin on August 27th, 2008.

The application has been amended as follows:

AMEND Claim 104 as Follows:

in Line 5, **DELETE** --at least some of--

in Line 6, **REPLACE** --is covered with-- with --having--

in Line 11, **REPLACE** --20 to 100-- with --40 to 80--

CANCEL Claim 108

AMEND Claim 112 as Follows:

in Line 5, **DELETE** --at least some of--

in Line 6, **REPLACE** --is covered with-- with --having--
20-100

in Line 12, **REPLACE** --20 to 100-- with --40 to 80--

CANCEL Claim 116

The following is an examiner's statement of reasons for allowance:

RAU 10/07/2008
Kaplan (US 5,282,861) discloses a porous biocompatible metal network having metal webs and an open cell structure with a pore size of 100 to 1000 microns. Kaplan fails to disclose as discussed in the Interview conducted on April 9th, 2008 an "empty